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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS MOTION TO
COMPEL DEPOSITIONS, OVERRULE
OBJECTIONS, COMPEL
INTERROGATORIES, AND COMPEL
SUPPLEMENTAL 30(B)(6) WITNESS**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its motion to compel depositions, overrule objections, compel interrogatories, and compel supplemental 30(b)(6) witness (“Waymo Motion”), filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Motion	Highlighted in blue	Defendants and/or Anthony Levandowski
	Highlighted in green	Waymo
Exhibits 1-2 to Waymo's Motion	Entire document	Defendants
Exhibit 3 to Waymo’s Motion	Entire document	Waymo and Defendants
Exhibits 4-6 to Waymo’s Motion	Entire document	Defendants
Exhibits 9-12 to Waymo’s Motion	Entire document	Defendants
Exhibits 15-18 to Waymo’s Motion	Entire document	Defendants
Exhibit 20 to Waymo's Motion	Entire document	Other third-party
Exhibit 21 to Waymo's Motion	Entire document	Defendants
Exhibit 22 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 23 to Waymo's Motion	Entire document	Defendants

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. DEFENDANTS AND/OR ANTHONY LEVANDOWSKI’S AND/OR OTHER THIRD-PARTIES CONFIDENTIAL INFORMATION

Waymo seeks to seal these documents only because Defendants and/or non-party Anthony Levandowski and or other third-parties have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects Defendants and/or Mr. Levandowski and/or other third-parties to file one or more declarations in accordance with the Local Rules.

III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION

1 The Court should also seal the portions of Waymo's Motion and Exhibit 3 thereto as identified
 2 in the table above. Waymo seeks to file this information under seal because it discloses technical
 3 information regarding Waymo's trade secrets. *See* Cooper Dec., ¶ 4. Courts have determined that
 4 trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No.
 5 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d
 6 at 1179); *see also Brocade Commc'ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL
 7 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that "consists entirely
 8 of descriptions of Brocade's trade secrets."). Waymo seeks to seal trade secret information that fit
 9 squarely within these categories. Cooper Dec. ¶ 4. Waymo maintains this information as a trade
 10 secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security
 11 protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its requests to only
 12 information meriting sealing. *Id.* In fact, both *Music Grp.* and *Brocade* found the confidential
 13 information at issue in those cases met the heightened "compelling reasons" standard for sealing.
 14 *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The information that
 15 Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure of Waymo's
 16 trade secrets would harm Waymo. Cooper Dec. ¶ 4. Moreover, the scope of information that Waymo
 17 is seeking to seal is consistent with other administrative motions to seal that have already been granted
 18 by the Court in this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo's administrative
 19 motion to seal.

20 **IV. CONCLUSION**

21 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 22 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 23 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

24 DATED: September 25, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
 LLP

26 By /s/ Charles K. Verhoeven

Charles K. Verhoeven
 Attorneys for WAYMO LLC